

In the Court of Appeals of the State of Alaska

Elizabeth Watson,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-11592**

Order

Date of Order: **July 26, 2021**

Trial Court Case No. **4BE-11-01326CR**

The Appellant, Elizabeth Watson, appealed her misdemeanor conviction for driving while under the influence to this Court. In *Watson v. State*, Alaska App. Opinion No. 2553 (May 19, 2017), this Court affirmed her conviction. She successfully petitioned the supreme court for review, but the supreme court also affirmed the conviction. *See Watson v. State*, Supreme Court Opinion No. 7533 (May 28, 2021).

Ms. Watson was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to “enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant’s conviction was reversed by the appellate court.” Because Ms. Watson was represented by court-appointed counsel in this appeal, because Ms. Watson’s appeal was a misdemeanor merit appeal, and because Ms. Watson’s conviction was not reversed, the Appellate Court Clerk’s Office ultimately entered judgment against Ms. Watson in the amount of \$750.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6). Ms. Watson now requests that this Court vacate the judgment for the cost of appointed counsel.

In her motion to vacate the entry of judgment for the cost of appellate counsel, Ms. Watson points out that although she was charged and convicted as an adult, she was a minor when she committed the DUI offense. To justify vacating the judgment, Ms. Watson asks this Court to take into account her youth at the time of her offense, in addition to the fines and costs she was ordered to pay by the judgment of conviction.


Appellate Rule 209(b)(5) and (6) requires criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense. That said, however, Criminal Rule 39(c)(2)(C) allows a court to “remit or reduce the balance owing on the judgment or change the method of payment if the payment would impose manifest hardship on the defendant or the defendant’s immediate family.” *See also* Appellate Rule 209(b)(5). But the Court concludes that Ms. Watson has not shown that the judgment entered against her for the cost of appellate counsel has imposed manifest hardship on her or her family.

Because this Court did not reverse Ms. Watson’s conviction in this appeal, Ms. Watson is required to reimburse to the government a portion of the cost of the attorney who represented her at public expense. Accordingly, the motion to vacate the \$750.00 judgment against Ms. Watson for the cost of counsel under Appellate Rule 209(b) is **DENIED**.

Entered at the direction of Chief Judge Allard.

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Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

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